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January 16, 2024

VIA ECF

Hon. Katherine Polk Failla
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: *Naclerio v. DocGo, Inc.*
No. 1:23-cv-09476-KPF

Dear Judge Failla:

We write on behalf of our client, lead plaintiff movant Genesee County Employees' Retirement System (the "Retirement System"). Pursuant to the Private Securities Litigation Reform Act of 1995, on December 26, 2023, the Retirement System and Plaintiff Joe Naclerio filed motions seeking appointment as lead plaintiff and approval of selection of lead counsel. *See* ECF 11, 15. On January 11, 2024, Mr. Naclerio filed a notice of non-opposition to the Retirement System's motion. *See* ECF 20.

The deadline for opposing the Retirement System's motion was January 11, 2024. *See* ECF 10. No oppositions were filed. As such, the Retirement System's motion is unopposed.

Counsel for Mr. Naclerio, the plaintiff who filed the complaint in this matter, recently completed service of the complaint on defendant DocGo, Inc., *see* ECF 22, and have informed us that they are in the process of serving the individual defendants. Once counsel for defendants make an appearance in this case, we intend to coordinate with them regarding a proposed schedule for the filing of an amended complaint and subsequent answer or motion to dismiss, should defendants choose to file one, and will submit a scheduling stipulation to the Court for its approval. In light of the foregoing, we respectfully request that the Court vacate the conference to consider motions for appointment as lead plaintiff scheduled for January 18, 2024 at 11:00 a.m.

We thank the Court for its consideration of this request and are available should the Court have any questions.

Respectfully submitted,



DAVID A. ROSENFELD

cc: All Counsel (via ECF)

Application GRANTED. In light of Plaintiff Joe Naclerio's non-opposition to the Genesee County Employees' Retirement System's ("Genesee") motion for appointment as lead plaintiff and for approval of its selection of lead counsel (Dkt. #20), Genesee's motion is GRANTED (Dkt. #15). For the reasons laid out in Genesee's memorandum of law in support of its motion (Dkt. #16), as well as those conceded in Naclerio's non-opposition, the Court finds that Genesee satisfies the requirements for appointment as lead plaintiff pursuant to Section 21D(a)(3)(B)(iii) of the Private Securities Litigation Reform Act of 1995.

Accordingly, the hearing scheduled for January 18, 2024, is hereby ADJOURNED *sine die*. The Court will separately enter Genesee's proposed order (Dkt. #18), and will await the parties' above-referenced scheduling stipulation.

The Clerk of Court is directed to terminate the pending motions at docket entries 11 and 15.

Dated: January 17, 2024
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Faila".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE